

Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516
Phone (845) 265-3611
Workshop meeting

May 16, 2013

Present: Chairman; Donald Mac Donald **Members:** John Martin, Greg Gunder and Trustee Liaison, Stephanie Hawkins

Member absent: Ed Murphy

Chairman Mac Donald opened the meeting at 7:30 PM

Chairman Mac Donald noted there was a request from Peehl/Hall to record the work session. The Board members voted and it was unanimously approved to record the session. The recorded minutes will be made available for any member of the public if requested.

Chairman Mac Donald introduced Marie Early as a new member of the ZBA M. Early was not present as a ZBA member at this meeting but was present as a member of the public.

1. Correspondence:

- Proposed Revised draft law for the B-4 District dated December 28, 2012 including an email from Mary Saari regarding revised draft local law to the B-4 Zoning Code dated 12/28/12.
- Budget requests for the fiscal year 2013/2014.
- Letter from Drake, Loeb, Heller, Kennedy, Gogerty, Gaba and Rodd, LLC regarding Statutory Stay upon appeal dated 4/29/13.
- Letter from Julia Famularo dated 3/22/13 regarding digging yard to find original footings at the Sigler/Henderson property
- Copy of email from Andrew Hall and Susan Peehl to Mary Saari, Village Clerk regarding the meeting and appeal dated 5/16/13.
- Copy of a Summary of Adopted Budgets for the 2013/2014 year.
- Email from Anthony Ruggiero, Commissioner of Planning, Development and Public Transportation for Putnam County introducing himself dated 4/17/13.
- Email from Susan Peehl to Mary Saari regarding a change in date request for a meeting dated 4/12/13/
- Science and Management Forums at Cary Flood Management New strategies in 4/4/13
- Letter from Code Enforcement Bill Bujarski regarding deviation from practices in way the public goes to different boards.
- Letter from Beth Sigler with attached photos of foundation.
- Email from Susan Peehl to Donald MacDonald dated 5/2/13 relating to the shed on Stone Str.
- New York state Archives Student research competition poster.
- Minutes from other Boards for review.
- Continued education class titled "Practical guide to zoning and land use law" dated 3/4/13

Correspondence that was distributed to all Board members:

- Agenda from Chairman D. Mac Donald for the 5/16/13 meeting
- Letter from Susan Peehl and Andrew Hall dated 4/5/13 regarding no stay of construction.
- Courtesy Copies of a Draft LERP Sections from Michael Armstrong, Special Board Chair dated 4/2/13.
- Local Law Filing to amend the Village Code Chapter 134 by amending Village Code Section 134-2, definitions, “non-conforming use” and section 134-17 (E) and Village code section 134-19 as set forth herein. Filed 11/15/11.
- Copies for all Board members titled “Everything a Board Member Needs to know: Rights and Responsibilities of Board Members”.
- Guidelines for applicants to the Zoning Board of Appeals received 12/4/12
- James A. Coon Local Government Technical Series received 12/4/12.
- Acceptable Training for Planning Board and Zoning Board of Appeals Members.

2. Minutes:

The minutes of February 21, 2013 were reviewed and approved as amended.

3. Board Business:

Chairman Mac Donald read the following portion of a letter from Trustee Liaison Stephanie Hawkins from Warren Replansky regarding council used by the Board and there will be no conflict of interest:

“Last month, the Chair of the Zoning Board of Appeals requested separate counsel for the ZBA in order to remove perception on the part of applicants Sue Peehl and Andrew Hall that Steve Gaba has a conflict of interest. While neither the ZBA nor the Village Board believe Steve Gaba has a conflict of interest, attorney Warren Replansky of Pine Plains, NY has been retained as Special Counsel to the ZBA for the duration of Sue Peehl and Andrew Hall’s application. Hiring Warren Replansky was approved by unanimous vote of the Village Board on Wednesday, May 1st.”

The Board reviewed the application regarding interpretation of the code and interpretation of the law.

J. Martin reviewed a list of questions and concerns the Board would like to ask the Warren Replansky.

The Board reviewed and discussed whether or not to ask council for advice before the Peehl/Hall continued public hearing.

Before the Peehl/Hall continued public hearing is scheduled the Board must receive the following:

- Building Inspector report must be received and
- A letter from the Attorney along with case law.

A work session will be scheduled when all information is received to review the information and schedule a continued public hearing.

G. Gunder moved to close the public hearing and J. Martin seconded the motion. The meeting closed at 9:03 P.M.

Donald Mac Donald, Zoning Board of Appeals Chairman
for the Village of Cold Spring

Date